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11 Additional Counsel Listed Below

12
13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION
16

17 IN RE: CATHODE RAY TUBE (CRT)
18 ANTITRUST LITIGATION

Master File No. 3:07-cv-05944-SC
MDL No. 1917

19
20 This Document Relates to:

21 ALL ACTIONS
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**DECLARATION OF LUCAS A.
MESSENGER IN SUPPORT OF
OPPOSITION TO MOTION FOR
PARTIAL SUMMARY JUDGMENT
WITH RESPECT TO DAPS'
ALLEGED DIRECT DAMAGE
CLAIMS BASED ON PURCHASES
FROM SANYO**

Date: February 6, 2015
Time: 10:00 a.m.
Judge: Hon. Samuel Conti

I, Lucas A. Messenger, declare and state as follows:

1. I am admitted to practice before this Court and am an associate with the law firm of Robins, Kaplan, Miller & Ciresi L.L.P, counsel for Plaintiffs Best Buy Co., Inc., Best Buy Purchasing LLC, Best Buy Enterprise Services, Inc., Best Buy Stores, L.P. and Bestbuy.com, L.L.C. in the above-captioned action currently pending in the United States District Court for the Northern District of California. I make this declaration in support of Plaintiffs'¹ OPPOSITION TO MOTION FOR PARTIAL SUMMARY JUDGMENT WITH RESPECT TO DAPS' ALLEGED DIRECT DAMAGE CLAIMS BASED ON PURCHASES FROM SANYO. The facts set forth herein are true of my own personal knowledge, except where based on a review of the pleadings and records in this action, and, if called as a witness, I could and would competently testify thereto.

2. On July 10, 2014, the Panasonic Defendants² served their Objections and Responses to Direct Action Plaintiffs' First Set of Requests for Admission in the above-captioned action currently pending in the United States District Court for the Northern District of California. Attached hereto as Exhibit A is a true and correct copy of the relevant portion of this document, including the Panasonic Defendants objections and responses to Requests for Admission, Nos. 55-58.

3. Attached hereto as Exhibit B is a true and correct copy of DEFENDANTS' REPLY IN SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT AS TO PLAINTIFF'S CLAIMS BASED ON INDIRECT PURCHASES (Docket No. 5979) filed August 17, 2012 in the above-captioned action (Case No. 3:07-md-01827-SI (N.D. Cal)) and obtained from PACER.

4. Attached hereto as Exhibit C is a true and correct copy of COSTCO'S

¹ The term "Plaintiffs" includes the following Direct Action Plaintiffs: Best Buy Purchasing LLC, Best Buy Enterprise Services, Inc., Best Buy Stores, L.P., Bestbuy.com, LLC, and Magnolia Hi-Fi, Inc.; Interbond Corporation of America, d/b/a BrandsMart USA; Alfred H. Siegel, as Trustee of the Circuit City Stores, Inc. Liquidating Trust; Costco Wholesale Corporation; Sears, Roebuck and Co. & Kmart Corp.

² The "Panasonic Defendants" include Panasonic Corporation of North America, MT Picture Display Co., Ltd., and Panasonic Corporation, f/k/a Matsushita Electric Industrial Co., Ltd. ("Panasonic Corp.").

1 OPPOSITION TO DEFENDANTS' JOINT MOTION FOR PARTIAL SUMMARY
2 JUDGMENT AS TO INDIRECT PURCHASES (Docket No. 6370) filed August 3, 2012 in the
3 above-captioned action (Case No. 3:07-md-01827-SI (N.D. Cal)) and obtained from PACER.

4 5. Attached hereto as Exhibit D is a true and correct copy of COSTCO'S
5 OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT REGARDING
6 TIMING OF OWNERSHIP OR CONTROL (Docket No. 498) filed July 14, 2014 in Case No.
7 2:13-cv-01207-RAJ (W.D. Wash.) and obtained from PACER.

8 6. Attached hereto as Exhibit E is a true and correct copy of DEFENDANTS' JOINT
9 NOTICE OF MOTION AND MOTION FOR PARTIAL SUMMARY JUDGMENT AS TO
10 PLAINTIFF'S CLAIMS BASED ON INDIRECT PURCHASES (Docket No. 5979) filed June
11 22, 2012 in the above-captioned action (Case No. 3:07-md-01827-SI (N.D. Cal)) and obtained
12 from PACER.

13 7. On December 2nd and 10th, 2014, I visited Panasonic Corp.'s website at
14 <http://www.panasonic.com/about/>. From there, I then clicked on and accessed the tab for
15 "Annual Reports," which contains a tab named "SANYO's IR Library." *See*
16 http://panasonic.net/sanyo/corporate/ir_library/ (last visited December 10, 2014). From there, I
17 then clicked on and accessed the tab for "Annual Reports," which, among other things, contains
18 Sanyo Electric Co., Ltd.'s ("Sanyo Electric") annual reports for the years 1998-2010. *See*
19 http://panasonic.net/sanyo/corporate/ir_library/annualreports.html (last visited December 10,
20 2014). Attached hereto as Exhibits F-N are true and correct copies of Sanyo Electric's annual
21 reports for the years 1998-2005 that I downloaded from Panasonic Corp.'s website at
22 http://panasonic.net/sanyo/corporate/ir_library/annualreports.html on December 10, 2014.
23 Attached hereto as Exhibits O-R are true and correct copies of the Sanyo Electric's annual reports
24 for the years 2006-2009 that I downloaded from Panasonic Corp.'s website at
25 http://panasonic.net/sanyo/corporate/ir_library/annualreports.html on December 2, 2014.

- 26 • As set forth in the 1998 Sanyo Annual Report, Sanyo Electric's "Principal
27 Consolidated Subsidiaries (as of March 31, 1998)" included Sanyo North America
28 Corporation ("SNAC") and Sanyo Manufacturing Corporation ("SMC").

(Messenger Decl., Ex. F.) This document does not include page numbers, but the information regarding subsidiaries can be found towards the end in the section entitled “Corporate Directory.”

- As set forth in the 1999 Sanyo Annual Report, Sanyo Electric’s “Principal Consolidated Subsidiaries (as of March 31, 1999)” and “Principal Sanyo Overseas Subsidiaries And Affiliates (as of March 31, 1999)” included SNAC, SMC, and Sanyo Energy USA Corporation (“SEUSAC”). (Messenger Decl., Ex. G at 36-37.)
- As set forth in the 2000 Sanyo Annual Report, Sanyo Electric’s “Principal Consolidated Subsidiaries (as of March 31, 2000)” and “Principal Sanyo Overseas Subsidiaries And Affiliates (as of March 31, 1999)” included SNAC, SMC, and SEUSAC. (Messenger Decl., Ex. H at 35.)
- As set forth in the 2001 Sanyo Annual Report, Sanyo Electric’s “Principal Consolidated Subsidiaries (as of March 31, 2001)” included SNAC, SMC, and SEUSAC. (Messenger Decl., Ex. I at 34.)
- As set forth in the 2002 Sanyo Annual Report, Sanyo Electric’s “Principal Consolidated Subsidiaries (as of March 31, 2002)” included SNAC, SMC, and SEUSAC. (Messenger Decl., Ex. J at 35.)
- As set forth in the 2003 Sanyo Annual Report, Sanyo Electric’s “Principal Consolidated Subsidiaries (as of March 31, 2003)” included SNAC, SMC, and SEUSAC. (Messenger Decl., Ex. K at 43.)
- As set forth in the 2004 Sanyo Annual Report, Sanyo Electric’s “Principal Consolidated Subsidiaries (as of March 31, 2004)” included SNAC, SMC, and SEUSAC. (Messenger Decl., Ex. M at 53.)
- As set forth in the 2005 Sanyo Annual Report, Sanyo Electric’s “Principal Consolidated Subsidiaries (as of March 31, 2005)” included SNAC and SMC. (Messenger Decl., Ex. N at 4.)
- As set forth in the 2006 Sanyo Annual Report, Sanyo Electric’s “Principal

Consolidated Subsidiaries (as of March 31, 2006)” included SNAC, SMC, and SEUSAC. (Messenger Decl., Ex. O at 59.)

- As set forth in the 2007 Sanyo Annual Report, Sanyo Electric’s “Principal Subsidiaries and Affiliated Companies (as of March 31, 2007)” included SNAC and SEUSAC. (Messenger Decl., Ex. P at 66.)
- As set forth in the 2008 Sanyo Annual Report, Sanyo Electric’s “Principal Subsidiaries (as of March 31, 2008)” included SNAC and SEUSAC. (Messenger Decl., Ex. Q at 66.)
- As set forth in the 2009 Sanyo Annual Report, Sanyo Electric’s “Major Subsidiaries Outside Japan (as of March 31, 2009)” included SNAC, SMC, and SEUSAC. (Messenger Decl., Ex. R at 1.)

8. On December 2nd and 10th, 2014, I visited Panasonic Corp.’s website at <http://www.panasonic.com/about/>. From there, I then clicked on and accessed the tab for “Annual Reports,” which contains the Annual Reports for Panasonic Corp. for the years 2009-2014. The website informs visitors that the “Annual Report contains wide-ranging information including details of Panasonic’s business strategies and financial position that assist mainly investors in making investment decisions.” See <http://panasonic.net/ir/annual/> (last visited December 10, 2014). On December 2, 2014, I downloaded copies of Panasonic Corp.’s annual reports for the years 2010-2014. Attached hereto as Exhibits S-W are true and correct copies of the Panasonic Corp. annual reports for the years 2010-2014 that I downloaded from Panasonic Corp.’s website at <http://panasonic.net/ir/annual/>.

- As set forth on the cover page of the 2010 Panasonic Annual Report, Sanyo Electric and its subsidiaries were added to the “Panasonic Group.” Moreover, the report states that Sanyo Electric and its subsidiaries became Panasonic Corp.’s consolidated subsidiaries in December 2009. (Messenger Decl., Ex. S at 4, 22 n.1, 34, 53, 58, 68.)
- As set forth in the 2011 Panasonic Annual Report, Sanyo Electric and its subsidiaries became Panasonic Corp.’s consolidated subsidiaries in December

2009. (Messenger Decl., Ex. T at 20 n.3, 54.)

- As set forth in the 2012 Panasonic Annual Report, Sanyo Electric and its subsidiaries became Panasonic Corp.'s consolidated subsidiaries in December 2009. (Messenger Decl., Ex. U at 23 n.4, 58.)
- As set forth in the 2013 Panasonic Annual Report, Sanyo Electric and its subsidiaries became Panasonic Corp.'s consolidated subsidiaries in December 2009. (Messenger Decl., Ex. V at 33.)
- As set forth in the 2014 Panasonic Annual Report, Sanyo Electric and its subsidiaries became Panasonic Corp.'s consolidated subsidiaries in December 2009. (Messenger Decl., Ex. W at 51.)

9. On December 10th and 11th, 2014, I visited the United States Securities and Exchange Commission (the "SEC") database for public filings at <http://www.sec.gov/edgar/searchedgar/webusers.htm#Vlo-zKPTkzA>. I then clicked on and accessed the "Company Filings" tab, and I entered "Panasonic" into the company name search field. See <http://www.sec.gov/cgi-bin/browse-edgar?company=panasonic&owner=exclude&action=getcompany>. I then clicked on and accessed the link to Panasonic Corp. See <http://www.sec.gov/cgi-bin/browse-edgar?action=getcompany&CIK=0000063271&owner=exclude&count=40&hidefilings=0>. This link contains Panasonic Corp.'s SEC filings through April 22, 2013. I accessed the Form 20-Fs for Panasonic Corp. from 2010-2012 and then downloaded and printed them. See <http://www.sec.gov/Archives/edgar/data/63271/000119312510150553/d20f.htm>; <http://www.sec.gov/Archives/edgar/data/63271/000119312511178201/d20f.htm>; <http://www.sec.gov/Archives/edgar/data/63271/000119312512286456/d230958d20f.htm> (last visited December 11, 2014). Attached hereto as Exhibits X-Z are true and correct copies of the Form 20-Fs for the years 2010-2012 that I downloaded and printed from the SEC's website.

- As set forth in the 2010 Form 20-F, Sanyo Electric and its subsidiaries became Panasonic Corp.'s consolidated subsidiaries in December 2009. (Messenger Decl., Ex. X at 5, 11, 12, 16, 21, 30, 33.)

- As set forth in the 2011 Form 20-F, Sanyo Electric and its subsidiaries became Panasonic Corp.'s consolidated subsidiaries in December 2009. (Messenger Decl., Ex. Y at 2 n.4, 11, 12, 17, 18, 31, 34, 35, 37, 38.)
- As set forth in the 2012 Form 20-F, Sanyo Electric and its subsidiaries became Panasonic Corp.'s consolidated subsidiaries in December 2009. (Messenger Decl., Ex. Z at 2 n.4, 11, 13, 18, 39, 41.)

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed this 19th day of December 2014 in Los Angeles, California.

/s/ Lucas A. Messenger
Lucas A. Messenger

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.
ATTORNEYS AT LAW
LOS ANGELES

- As set forth in the 2011 Form 20-F, Sanyo Electric and its subsidiaries became Panasonic Corp.'s consolidated subsidiaries in December 2009. (Messenger Decl., Ex. Y at 2 n.4, 11, 12, 17, 18, 31, 34, 35, 37, 38.)
- As set forth in the 2012 Form 20-F, Sanyo Electric and its subsidiaries became Panasonic Corp.'s consolidated subsidiaries in December 2009. (Messenger Decl., Ex. Z at 2 n.4, 11, 13, 18, 39, 41.)

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed this 23rd day of December 2014 in Los Angeles, California.

/s/ Lucas A. Messenger
Lucas A. Messenger

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